

## PROOF OF SERVICE

SERVED	DATE 10/27/06	PLACE 3519 SILVERSIDE RD WILM DE
SERVED ON (PRINT NAME) BRENDA FARMSIDE MSW	MANNER OF SERVICE By HAND to BRENDA JACKSON at	
SERVED BY (PRINT NAME) WALTER HETZLER	TITLE Process Server	10:10

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

10/27/06  
DATE
  
SIGNATURE OF SERVER

ADDRESS OF SERVER

230 N MARKET ST  
WILM DE 19801

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

## (c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. They court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty and appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the

provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to commanded to travel from any such place within the state in which the trial

(iii) requires disclosure of privileged or other protected matter and no waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information specific events or occurrences in dispute and resulting from the expert's services at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur expense to travel more than 100 miles to attend trial, the court may, to protect a party or affected by the subpoena, quash or modify the subpoena or, whose behalf the subpoena is issued shows a substantial need for the testimony material that cannot be otherwise met without undue hardship and assure person to whom the subpoena is addressed will be reasonably compensated may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall if they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is subject to protection as trial preparation materials, the claim shall be met and shall be supported by a description of the nature of the documents, or things not produced that is sufficient to enable the demanding party to claim.